

Reply to Office Action of 04/07/2005
Amendment Dated: July 5, 2005

Appl. No.: 10/614,611
Attorney Docket No.: CSCO-033/7051

REMARKS

Claims 1-40 were examined in the outstanding office action mailed on 04/07/2005 (hereafter "Outstanding Office Action"). Applicants note with appreciation that claims 6, 16, 26 and 36 were indicated to be allowable. The remaining claims were rejected. By virtue of this response, the specification and claims 1, 2, 11, 12, 21, 22, 31 and 32 are sought to be amended. The amendments are believed not to introduce new subject matter, and their entry is respectfully requested. The amendments and cancellations are made without prejudice or disclaimer. Claims 1-40 are thus respectfully presented for reconsideration.

Electronic Mail Communication

Applicants and the undersigned representative sincerely thank the Examiner for clarifying via electronic mail on June 30 2005, that on page 4, point number 5, line 5, claim 2 was rejected based on column 3 lines 21-31 of Kaplan.

Information Disclosure Statement (IDS)

Applicant thanks the Examiner for considering and making of record the IDS filed in July 8 2003. The Examiner is also thanked for acknowledging the same in the Outstanding Office Action.

Specification

In page 2, paragraph number 1, the disclosure has been objected to asserting that it contains embedded hyperlinks. In response, the specification is sought to be amended to remove the hyperlinks. No new matter is believed to be entered by the amendments and withdrawal of the objection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Independent claims 1, 11, 21, and 31 are rejected under 35 U.S.C. § 102 (e) as being anticipated by United States Patent Application 6,741,685 naming as inventor Zanaty (hereafter

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"Zanaty"). It is applicant's position that Zanaty does not anticipate the features of claims 1, 11, 12, and 31 for reasons explained below.

Each of the amended claims 1, 11, 21, and 31 recites the feature of counting a traffic volume from or to each of said plurality of switching points comprising time points.

5 Zanaty does not disclose or reasonably suggest such a feature.

10 The Examiner had pointed to Col 5 lines 1-34 as teaching that feature. While the relied upon text contains various information types, there does not appear to be a teaching of the traffic volume from or to each switching (time) point, as claimed in amended claim 1.

Even if Col 5 lines 1-34 disclose or suggest traffic volume as implicitly alleged in the Outstanding Office Action, Zanaty does not appear to disclose the counting operation within an SSG as claimed. Applicants' basis for such a position is noted below:

15 For example, and not for the purpose of limitation, billing detail records *may be constructed* based on at least one of the following information..." (Col 4 Lines 65-67, *Emphasis Added*).

In other words, Zanaty describes that the information of col 5 lines 1-34 "may be constructed", without teaching that the traffic volume is counted and sent from an SSG, as claimed in amended claims 1, 11, 21 and 31.

20 Accordingly, it is respectfully asserted that Zanaty does not disclose the features of claims 1, 11, 21, and 31. Withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

For reasons explained below, it is believed that Zanaty does not individually also suggest the above noted features of claims 1, 11, 21, and 31. The other references of record,

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either alone or in combination with Zanaty, do not appear to fill this void for reasons also noted below in further detail.

Claim Rejections 35 U.S.C. § 103

5 Claims 2-5, 9-10, 12-15, 19-20, 22-25, 29-30, 32-35 and 39-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zanaty in view of US Patent Number 6,473,404 naming as inventor Kaplan, et al (hereafter "Kaplan"). Applicants respectfully traverse the rejection.

10 First, it is noted that Zanaty does not disclose/suggest a gateway system in which a service selection gateway (SSG) receives switching points representing the time points at which tariffs change, and counts traffic volume from or to each switching point, based on the Examiner's admission in page 4, lines 3-4, which states, "Zanaty did not suggest wherein each of said plurality of switching points comprises a time at which a tariff changes to access said service."

Kaplan also does not disclose/suggest such a feature in isolation.

15 The Examiner instead combines Zanaty with Kaplan to argue that the combination renders claim 2 obvious.

The Examiner is using impermissible hindsight in taking such a position, at least for reasons noted below.

20 First it is asserted that Zanaty does not suggest counting within an SSG the traffic volumes of claim 1. To the contrary, there appears to be suggestions that Zanaty would use alternative approaches even if the objective is to determine the claimed traffic volumes. Applicants basis from Zanaty for such an assertion is noted below:

25 originating Internet protocol address; destination Internet protocol address; Internet protocol address of all routers used between the origin and destination; router table entries and categories used in all routing of related packets that constitute a full transfer of unidirectional, bidirectional or multiple dialogs that are terminated by either the originating sender or the distant receiver; *time stamps of every packet to be routed and the router Internet protocol address*; type of service that includes, but is not limited

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5 to, minimum delay (latency), maximum throughput, maximum reliability, minimum cost,
or normal; differentiated service indicators as specified by the service arrangement of
every router used in all transactions, including but not limited to, the Per-Hop
(forwarding) behavior that can be based on Best Effort, such as described in RFC 2474,
10 Expedited Forwarding, such as described in RFC 2598, or Assured Forwarding, such as
described in RFC 2597 (the aforementioned RFC documents are "Review for Comment"
documents issued by the Internet Engineering Task Force (IETF) and are incorporated by
reference herein); level of preferred service and priority level as specified by the service
arrangement of every router used in all transactions; *duration of all packet transfers*
within every router; termination cause of every completed transaction; reference to
formula used in the billing record; the monetary or non-monetary charged to the client that
originated all transactions or to subsequent clients if router tables are used to replace the
entity of the client;

15 In other words, it appears that billing system 100 of Zanaty appears to require information
on individual packets to provide various features supported there. This observation at least leads
to the suggestion that Zanaty may not count traffic volume in SSG. Kaplan also does not fill this
void.

20 In addition, Zanaty and Kaplan appear to be in different fields on technologies. First it
is noted that Kaplan teaches a telecommunications switching system "which may be implemented
for example on a personal computer platform, personal digital assistant (PDA), dedicated system
such as a PBX, or the like." (Col 3 lines 59-61 of Kaplan).

On the other hand, Zanaty relates to routers type of devices. Thus, the class of systems
Kaplan contemplates implementation does not include routers type of devices in the context of
which Zanaty is described.

25 Consistent with the different non-similar technology areas, it is pointed out that Zanaty
is classified in Class 370 entitled, "MULTIPLEX COMMUNICATIONS" and Kaplan is
classified in Class 379 entitled, "TELEPHONIC COMMUNICATIONS".

Being in such non-analogous arts, as well as being related to different types of devices as
noted above, the necessary motivation to combine the two references is absent.

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Accordingly, contrary to the assertions in the Outstanding Office Action, the combination of Zanaty and Kaplan does not render obvious claim 2 (as previously presented).

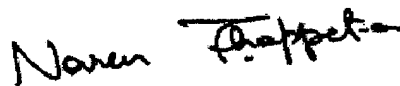
Claims 12, 22 and 32 are also believed to be allowable over the two references for similar reasons. Withdrawal of the rejection under 35 U.S.C. § 103 as against claims 12, 22 and 32 is respectfully requested. The remaining claims are also allowable at least as depending from allowable base claims.

Claim 4 is independently allowable over the art of record as reciting a marginal count from a previous switching point as well as an aggregate count. Contrary to the assertion in Outstanding Office Action (in page 4, lines 16-18), there appears to be no disclosure or suggestion in Zanaty of aggregate and marginal counts (other than a general transaction model 508). The Examiner is respectfully requested to point to the specific lines of Zanaty if there is a disagreement with the Applicant's assertion.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No.: 20-0674.

The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful for any reason.

Respectfully submitted,



Date: July 5, 2005

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Main Identity

From: <send@mail.efax.com>
To: <general@iphorizons.com>
Sent: Tuesday, July 05, 2005 7:21 PM
Subject: Successful transmission to 17038729306. Re: Fax from Owner

Dear Naren Thappeta,

Re: Fax from Owner

The 13 page fax you sent through eFax.com to 17038729306 was successfully transmitted at 2005-07-05 13:29:07 (GMT).

The length of transmission was 437 seconds.

The receiving machine's fax ID: USPTO.

If you need additional assistance, please visit our online help center at <http://www.efax.com/help/>.
Thank you for using the eFax service.

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1/13/2006